

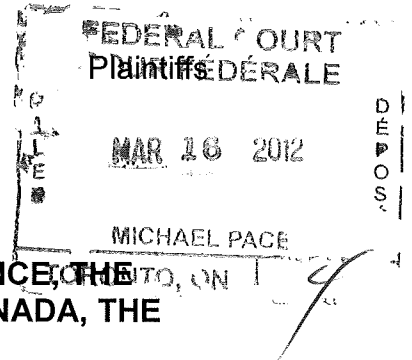
FEDERAL COURT

BETWEEN:

COMMITTEE FOR MONETARY AND ECONOMIC REFORM ("COMER"),
WILLIAM KREHM, AND ANN EMMETT

and

HER MAJESTY THE QUEEN, THE MINISTER OF FINANCE, THE
MINISTER OF NATIONAL REVENUE, THE BANK OF CANADA, THE
ATTORNEY GENERAL OF CANADA



Defendants

NOTICE OF MOTION

TAKE NOTICE THAT the Attorney General of Canada on behalf of the Defendants will make a motion to the Court, on a day and time to be fixed by the Administrator upon consultation with the parties, at the Federal Court of Canada, 180 Queen Street West, Toronto, Ontario.

THE MOTION IS FOR

1. An Order pursuant to Rule 221(1)(a) (c) and (f) of the *Federal Courts Rules* striking out the Statement of Claim issued on December 12, 2011 and the Amended Statement of Claim dated January 19, 2012 (hereinafter the "Claim") without leave to amend, and dismissing the within action against all of the Defendants;
2. The Defendants' costs of this motion; and
3. Such further and other relief as counsel may advise and this Honourable Court permit.

THE GROUNDS FOR THE MOTION ARE:

- i) the Claim fails to disclose a reasonable cause of action against the Defendants, or any one of them;
- ii) the Claim is scandalous, frivolous or vexatious;
- iii) the Claim is an abuse of process of the Court;
- iv) the Claim fails to disclose facts which would show that the action or inaction of the Defendants, or any one of them, could cause an infringement of the Plaintiffs' rights under the *Charter of Rights and Freedoms* or the Constitution of Canada;
- v) the causal link between the alleged action or inaction of the Defendants, or any one of them, and the alleged infringement of the Plaintiffs' rights is too uncertain, speculative and hypothetical to sustain a cause of action;
- vi) the Claim seeks to adjudicate matters that are not justiciable;
- vii) the Claim concerns matters outside the jurisdiction of the Federal Court;
- viii) the Plaintiffs, or any one of them, do not have standing to bring the Claim as of right, and, furthermore, the Plaintiffs, or any one of them, do not satisfy the necessary requirements for the grant of public interest standing;
- ix) sections 17 and 18 of the *Federal Courts Act*;
- x) Rules 4, 104, 208, 221(1) of the *Federal Courts Rules*; and
- xi) such further and other grounds as counsel may advise and this Court may accept.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) the Statement of Claim issued on December 12, 2011 and the Amended Statement of Claim, dated January 19, 2012 ;
- (b) such further and other documentary evidence as counsel may submit and the Court shall permit.

Myles J. Kirvan
per: P. Hajeczek

March 15, 2012

Myles J. Kirvan
Deputy Attorney General of Canada

Per: Peter Hajeczek
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Solicitor for the Defendants

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